

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>EDWARD C. KELLEY,</b>	)	
<b>Plaintiff</b>	)	
v.	)	<b>C.A. No. 03-398 ERIE</b>
	)	<b>District Judge McLaughlin</b>
<b>COMMONWEALTH OF PENNSYLVANIA,</b>	)	<b>Magistrate Judge Baxter</b>
et al.,	)	
<b>Defendants.</b>	)	

**ORDER**

AND NOW, this 31<sup>st</sup> day of August, 2005;

IT IS HEREBY ORDERED that Plaintiff's "Motion for Answer" [Document # 47] is DENIED insofar as Plaintiff seeks the filing of an Answer to his Complaint, as no Answer is required to be filed under the federal rules when Defendants' motion to dismiss is granted. To the extent Plaintiff seeks an answer as to "why" his case was dismissed, the reasons for the dismissal are set forth in detail in this Court's Report and Recommendation, dated September 23, 2004.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

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S/Susan Paradise Baxter  
SUSAN PARADISE BAXTER  
Chief U.S. Magistrate Judge